

HOUSE BILL REPORT

HB 1083

As Reported by House Committee On:
Community Development, Housing & Tribal Affairs

Title: An act relating to solemnizing marriages.

Brief Description: Authorizing judges of tribal courts to solemnize marriages.

Sponsors: Representatives Appleton, Roberts, Jinkins, Freeman and Hunt.

Brief History:

Committee Activity:

Community Development, Housing & Tribal Affairs: 1/23/13, 2/5/13 [DPS].

<p>Brief Summary of Substitute Bill</p> <ul style="list-style-type: none">• Authorizes tribal court judges to solemnize marriages.

HOUSE COMMITTEE ON COMMUNITY DEVELOPMENT, HOUSING & TRIBAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives McCoy, Chair; Appleton, Vice Chair; Angel, Ranking Minority Member; Johnson, Assistant Ranking Minority Member; Haler, Pike, Ryu, Santos and Sawyer.

Staff: Sean Flynn (786-7124).

Background:

State law does not require the solemnization of a marriage to take any particular form, so long as the parties assent to the marriage in the presence of an authorized person and two witnesses. Certain judicial officers and religious organization officials are authorized to solemnize marriages. Authorized judicial officers include supreme court justices, court of appeal judges, superior court judges, judges of courts of limited jurisdiction, supreme court commissioners, court of appeals commissioners, and superior court commissioners.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A marriage that is valid in another jurisdiction is recognized as valid, if not otherwise prohibited or unlawful, under state law. Tribal court orders are entitled to full-faith and credit to the same extent as decrees of other states.

Summary of Substitute Bill:

Judges of tribal courts are authorized to solemnize marriages.

Substitute Bill Compared to Original Bill:

Administrative law judges are added to the list of officials authorized to solemnize marriages.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This helps to harmonize state law with tribal law. It is important to make sure that this does not jeopardize the continued recognition of marriages previously performed by tribal judges.

(Opposed) None.

Persons Testifying: Representative Appleton, prime sponsor; and Miguel Perez-Gibson, Colville Tribes.

Persons Signed In To Testify But Not Testifying: None.